

### **REMARKS**

As of the filing of the present reply, claims 1-20 were pending in the above-identified US Patent Application.

In the Office Action, the Examiner required that Applicants make an election of species under 35 USC §121 among embodiments of the invention shown in Figures 3-5, and under the species of Figure 4 the subspecies of Figures 8, 9, 10 and 11. The Examiner also required Applicants to make an election of the end piece 4 of Figure 13 or 17.

The Examiner required that Applicants elect a single species from among Figures 3 through 5 for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Examiner indicated claims 1, 2, 3 and 11 appear to be generic.

A. Identification of claims reading on species:

A copy of the pending claims is attached hereto for the convenience of the Examiner.

Applicants believe the species of Figures 3, 4 and 5 identified by the Examiner are encompassed by claims 1-20 as follows:

Species	Claims
FIG. 3	1-3, 5-20
FIG. 4	1-20
FIG. 5	1-4, 7-16

Though the Examiner identified Figures 8, 9, 10 and 11 as subspecies of the species of Figure 4, Figures 6, 7, 9, 10 and 11 are all disclosed as being alternative cross-sections of Figure 4 (see Applicants' specification at page 2, line 24-page 3, line 2). Applicants believe the subspecies of Figures 6, 7, 9, 10 and 11 are encompassed by claims 1-20 as follows:

Species	Claims
FIG. 6	1-4, 7-12, 14-16
FIG. 7	1-5, 7-12, 14-16
FIG. 9	1-4, 7, 9-12, 14-16
FIG. 10	1-4, 6-12, 14-17
FIG. 11	1-9, 11-13, 18-20

B. Identification of generic claims:

In view of the above, Applicants believe claims 1-3, 7, 9, 11, 12 are

generic to all of the species, as none of these claims are restricted to the characteristics of only FIG. 3 (pitch angle  $V < 50$  degrees; see page 4, lines 19-23), FIG. 4 (pitch angle  $V$  of  $> 50$  degrees; see page 4, lines 19-23), or FIG. 5 (central cavity 11; see page 5, lines 10-12). Furthermore, each of the subject matters of these claims is encompassed by each of FIGS. 3-5, namely, parallel tubes 2 wound in a helical manner (claim 1), tube internal diameters (claim 2), tube wall thicknesses (claim 3), coating (claim 7), end piece 4 (claim 9), aluminum tubes (claim 11), and automotive application (claim 12).

C. Election:

Applicants hereby elect without traverse to prosecute the species of FIG. 4 encompassing claims 1-20, the subspecies of FIG. 11 encompassing claims 1-9, 11-13, 18-20, and the subspecies corresponding to the end piece 4 of FIG. 13 encompassing claims 1-20.

Because Applicants believe independent claim 1 is generic, each of claims 1-13 (which depend from claim 1) should be prosecuted on the merits if claim 1 (or a subsequently presented generic claim) is finally held to be allowable.

Application No. 10/535,362  
Technology Center 3754  
Reply dated April 6, 2009  
In Response to Office Action dated March 30, 2009

Should the Examiner have any questions with respect to any matter  
now of record, Applicants' representative may be reached at (219) 462-4999.

Respectfully submitted,



Gary M. Hartman  
Reg. No. 38,898

April 6, 2009  
Hartman & Hartman, P.C.  
Valparaiso, Indiana 46383  
TEL.: (219) 462-4999  
FAX: (219) 464-1166

Attachment: Pending Claims